

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

TIMOTHY LYNCH, et al.,

Plaintiffs,

-against-

GARIBOLDI INSULATION, INC.,

Defendant.

-----X

LINDSAY, Magistrate Judge:

By letter application dated August 23, 2005, the plaintiffs seek to compel the defendant to respond to the plaintiffs' interrogatories and document requests and to appear for a deposition. The notice of deposition, request for the production of documents and interrogatories were served on the defendant on July 21, 2005. To date the defendant has not responded nor has it opposed the plaintiffs' application. Accordingly, the plaintiffs' motion is granted.

Given that discovery was to be completed by August 25, 2005, the court will extend the discovery deadline for the limited purpose of providing the plaintiffs with an opportunity to obtain responses to their outstanding requests and to depose the defendant. The defendant shall respond to the outstanding request for the production of documents and interrogatories by September 23, 2005. The defendant shall appear for a deposition on or before October 7, 2005. The defendant is warned that its failure to respond or appear for a deposition may result in sanctions, including a recommendation to Judge Wexler that the defendant's answer be stricken and a default judgment be entered in favor of the plaintiff.

Any party planning on making a dispositive motion must take the first step in the motion process by October 21, 2005. The final conference scheduled for October 19, 2005 is adjourned to November 14, 2005 at 11:00 a.m. The parties are directed to electronically file their proposed joint pretrial order prior to the conference.

Dated: Central Islip, New York
September 7, 2005

SO ORDERED:

/s/
ARLENE R. LINDSAY
United States Magistrate Judge